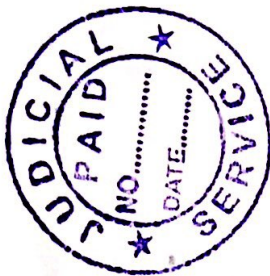


GJ 205/2016



REPUBLIC OF GHANA



WRIT OF SUMMONS
(Order 2 rule 3(1))



WRIT ISSUED FROM Accra - 15-2-2016 SUIT NO.

IN THE HIGH COURT OF JUSTICE
(GENERAL JURISDICTION),
ACCRA A.D 2016.

SUIT NO:

BETWEEN

HON DR DOMINIC AKURITINGA AYINE, ... PLAINTIFF.
HSE NO. SN 96C OYARIFA,
ACCRA.

AND

EVRON R. HUGHES ... DEFENDANT.
NO. F362/2,
OSU REGAL ESTATES,
LA ROAD,
ACCRA.

(UPON WHOM PLAINTIFF SHALL DIRECT SERVICE)

Chief Justice of Ghana

HIGH COURT ACCRA

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by lawyer at Form 5 at the Registry of the Court of issue of the writ at he desires, give notice of appearance by post. A defendant appearing personally may, if

* State name. Place of residence or business address of plaintiff if known (not P.O. Box number).
* State name place of residence or business address of defendant (not P.O. Box number).

STATEMENT OF CLAIM

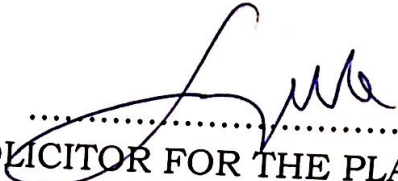
The Plaintiff's Claim is for:



- i. A declaration that the publications pleaded at paragraphs 9 to 11 of the statement of claim to the effect that Plaintiff is corrupt, a thief and fraudulent are defamatory of Plaintiff.
- ii. General damages for libel against Defendant for publishing the aforesaid words of and concurring in Plaintiff in his Facebook posts.
- iii. An order of the Honourable Court directed at the Defendant to publish a retraction and an apology with the same prominence as the defamatory words in the Facebook posts.
- iv. An injunction restraining the Defendant whether by themselves, their servants or agents or otherwise from authorizing permitting and/or causing to be published the same or similar words defamatory of the Plaintiffs.
- v. Costs including lawyer's fees.

ROAD
EST

DATED AT ACCRA THIS 12TH DAY OF FEBRUARY, 2016


.....
SOLICITOR FOR THE PLAINTIFF.
LINCENCE NO. 09723/15.
CHAMBERS REG. NO. 0002212/15.

SOBY @ LAW
P/No. 4, 2ND CLOSE
BOUNDARY ROAD EXTENSION
NEAR UBA BANK, EAST LEGON ACCRA
TEL: 0281066364

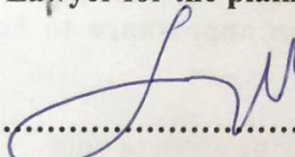
within the time limited for appearance the defendant pays the costs of the Plaintiff, his lawyer or his agent or into Court as provided for in Order 2 rule 3 (2).

This Writ was issued by **SORY @ LAW**

whose address for service is **H/NO. 4, 2ND CLOSE, BOUNDARY ROAD
AGENT FOR PLAINTIFF EXTENSION, NEAR UBA BANK, EAST
LEGON, ACCRA**

Lawyer for the plaintiff

who resides at **ACCRA**



**SORY @ LAW
H/No. 4, 2ND CLOSE
BOUNDARY ROAD EXTENSION
NEAR UBA BANK, EAST LEGON ACCRA**

Indorsement to be made **within 3 days** after service

This Writ was served by me at

On the defendant

on the _____ day of _____
endorsed the _____ day of _____

Signed.....

Address.....

NOTE: If the plaintiff's claim is for liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into Court as provided for in Order 2 rule 3 (2).

IN THE SUPERIOR COURT OF JUDICATURE,

IN THE HIGH COURT OF JUSTICE

(GENERAL JURISDICTION),

ACCRA A.D 2016.

Filed on 15-2-16
at 10:59 am/pm
Registrar
HIGH COURT
SUIT NO: ACCRA

BETWEEN

HON DR DOMINIC AKURITINGA AYINE,
HSE NO. SN 96C OYARIFA,
ACCRA.

... PLAINTIFF.

AND

EVRON R. HUGHES
NO. F362/2,
OSU REGAL ESTATES,
LA ROAD,
ACCRA.

... DEFENDANT.

(UPON WHOM PLAINTIFF SHALL DIRECT SERVICE)

STATEMENT OF CLAIM.

ORDER 11 r 1 OF C.I. 47.

1. Plaintiff is a Ghanaian citizen and at all times material to this suit the Deputy Attorney General and Minister of Justice of the Republic of Ghana.
2. Plaintiff is also at all times material to Plaintiff's present suit against Defendant the Honourable Member of Parliament for

the Bolgatanga East constituency in the Upper East Region of the Republic of Ghana.

3. Plaintiff avers further that before his election as Member of Parliament to represent the Bolgatanga East constituency aforesaid and his subsequent appointment as a Minister of State, Plaintiff had for several years taught at the Faculty of Law of the University of Ghana.
4. Plaintiff repeats paragraph 3 above and avers that in addition to teaching at the Faculty of Law Plaintiff had for many years been the Managing Partner of the Law Offices of Ayine & Felli where he carved a niche for himself as one of the foremost legal practitioners in the Republic of Ghana.
5. Plaintiff avers that as a politician Plaintiff is very highly respected by his constituents the reason for his election to represent them in the Parliament of the Republic of Ghana consequent upon which the President of the Republic of Ghana deemed Plaintiff competent and of satisfactory integrity to be legal advisor to the government of the Republic of Ghana.
6. Plaintiff avers that accordingly Plaintiff has by dint of hard work built a reputation for himself not only in his career as a legal practitioner but also as a teacher of the law having taught several persons who are lawyers today and who still hold Plaintiff in high regard.
7. Plaintiff avers that in politics, Plaintiff's election as Member of Parliament for the Bolgatanga East constituency and appointment as Deputy Attorney General and Minister of Justice attests to the high esteem in which Plaintiff is held Plaintiff's recent landslide endorsement as the parliamentary candidate to represent the National Democratic Party in the

Bolgatanga East constituency upcoming elections in November 2016 confirming Plaintiff's political pedigree.

8. Defendant to the best of Plaintiff's knowledge is a self-styled social media blogger and a social commentator.
9. Plaintiff says that on or about the 21st day of December, 2015, Defendant in a Facebook post published under the caption; "RE: AMERI TRANSACTION" in which Defendant, discussed an agreement concluded by the government of the Republic of Ghana and an entity known as AMERI and in respect of which agreement Plaintiff advised the government of the Republic of Ghana and stated categorically as follows; *"I aver that I have reasons to believe that the AMERIdeal was 'cooked' with the ingredients of **deceit** and **theft with the primary intention to defraud** the state."*
10. Plaintiff avers that in the same Facebook post Defendant again published the following statements: *"It is my assertion that the initiation, structuring, and execution of the deal **were calculated to give effect to a fraudulent conspiracy involving hundreds of millions of dollars.** Simply put, it is my assertion that some people decided **to steal** from the Republic and created the AMERIdeal as the turbine to power this **grand theft.** They sat down (or stood somewhere), discussed their **intent to steal, planned how to steal it, and put it into effect.**"*
11. Plaintiff avers that the publications pleaded at paragraphs 9 and 10 above were made of and concerning Plaintiff which fact is put beyond doubt when Defendant then further posted that Plaintiff was *"involved in the deal"* and that for the avoidance of doubt Plaintiff **advised** and **okayed** the deal which Defendant referred to also as the AMERIdeal, AMERIGate, and/or AMERIfraud.

12. Plaintiff avers that the publications pleaded at paragraphs 9 to 11 herein are false and were published with the sole object of creating public disaffection for Plaintiff and exposing Plaintiff to public ridicule, contempt and odium Plaintiff having bona fide and competently advised the government of the Republic of Ghana on the agreement the subject matter of Defendant's facebook posts.
13. Plaintiff avers that by stating and publishing falsely of and concerning Plaintiff that the Ameri agreement in respect of which Plaintiff advised government was initiated, structured and executed in a manner calculated to give effect to a **fraudulent conspiracy** and that it was a plan **to steal from the Republic of Ghana** Defendant meant and was understood to mean that Plaintiff is:
- (i) engaged in criminal activity such as corruption.
 - (ii) engaged in criminal activity such as stealing.
 - (iii) debased and perverted in character.
 - (iv) generally of criminal orientation.
14. Plaintiff avers that by stating and publishing falsely of and concerning Plaintiff that the Ameri agreement was **cooked with the ingredients of deceit** and **theft with the primary intention to defraud the state** Defendant meant and was understood to mean that Plaintiff is engaged in dishonest, crooked and practices lacking in integrity.
15. Plaintiff repeats paragraph 14 of Plaintiff's statement of claim and says that Defendant meant and was understood to mean that the Plaintiff is corrupt, dishonest and perverse in the execution of his duties as a Minister of State especially that Defendant made several statements in the publications imputing corrupt, dishonest and fraudulent conduct to Plaintiff

saying that Plaintiff **okayed** the Ameri agreement which Defendant also called Ameri**fraud** among others in his capacity as the legal advisor to the Government of the Republic of Ghana.

16. Plaintiff avers that the publications were made with malicious intent the reason being that the publications were made of and concerning Plaintiff without contacting and/or making any effort or attempt to contact Plaintiff for his version or account before publication of the statements.
17. Plaintiff avers that Plaintiff will rely on the following facts and matters in support as having aggravated the publication of the libel by Defendant against Plaintiff:
 - (i) Defendant published the words complained of without any facts justifying the allegations of fraud, theft and dishonesty against Plaintiff.
 - (ii) The allegations of fraud, theft and dishonesty imputed to Plaintiff in the offending publications are entirely false and baseless.
 - (iii) The publications the subject matter of the instant suit are defamatory of Plaintiff and have caused and contrive to cause damage to Plaintiff's reputation as a respected politician, teacher and lawyer.
18. Plaintiff avers that the said defamatory words were authored with the sole intent to reduce him in the estimation of all right thinking Ghanaians and that Plaintiff has received numerous calls from his constituents, lawyers and party members all expressing concern about the publications complained about in this suit.
19. Plaintiff avers that as a result of the sharing of that post containing the said defamatory words, once you access the defendant's post, those words pop up.

20. Plaintiff avers that the false and malicious publications by Defendant has injured the image of Plaintiff and brought his hard won reputation into hatred, ridicule, odium, discredit, contempt, opprobrium and reproach and as such his acquaintances sneer at him on the basis of the above.

21. WHEREFORE Plaintiff claims against Defendant:

- i. A declaration that the publications pleaded at paragraphs 9 to 11 of the statement of claim to the effect that Plaintiff is corrupt, a thief and fraudulent are defamatory of Plaintiff.
- ii. General damages for libel against Defendant for publishing the aforesaid words of and concurring in Plaintiff in his Facebook posts.
- iii. An order of the Honourable Court directed at the Defendant to publish a retraction and an apology with the same prominence as the defamatory words in the Facebook posts.
- iv. An injunction restraining the Defendant whether by themselves, their servants or agents or otherwise from authorizing permitting and/or causing to be published the same or similar words defamatory of the Plaintiffs.
- v. Costs including lawyer's fees

DATED AT ACCRA THIS 12TH DAY OF FEBRUARY, 2016

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